

MARC A. LEVINSON, CSB NO. 57613
 CYNTHIA J. LARSEN, CSB NO. 123994
ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 Sacramento, California 95814-4497
 Telephone: (916) 329-4910
 Email: malevinson@orrick.com
clarsen@orrick.com

HAGOP T. BEDOYAN, CSB NO. 131285
 LISA HOLDER, CSB NO. 217752
**KLEIN, DENATALE, GOLDNER,
 COOPER, ROSENLIEB & KIMBALL LLP**
 5260 N. Palm Avenue, Suite 201
 Fresno, California 93704
 Telephone: (559) 438-4374
 Facsimile: (559) 432-1847
 E-mail: hbedoyan@kleinlaw.com
lholler@kleinlaw.com

Attorneys for HealthCare Conglomerate Associates, LLC

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

In re:

TULARE LOCAL HEALTHCARE DISTRICT
 dba TULARE REGIONAL MEDICAL CENTER,

 Debtor.

HEALTHCARE CONGLOMERATE
 ASSOCIATES, LLC,

 Plaintiff,

v.

TULARE LOCAL HEALTHCARE DISTRICT
 dba TULARE REGIONAL MEDICAL CENTER,
 and DOES 1 through 20,

 Defendant.

AND RELATED COUNTER-CLAIM

Case No.: 17-13797-9-B

Chapter 9

ADV. PROC. NO.: 17-01095-B

DC No.: OHS-3

**HEALTHCARE CONGLOMERATE
 ASSOCIATES, LLC'S MOTION TO
 STRIKE PORTIONS OF ANSWER
 OF TULARE LOCAL
 HEALTHCARE DISTRICT DBA
 TULARE REGIONAL MEDICAL
 CENTER**

Date: March 12, 2018

Time: 10:30 a.m.

Dept: Courtroom 13

Judge: Hon. René Lastreto II

1 **PLEASE TAKE NOTICE THAT** on March 12, 2018, at 10:30 a.m., or as soon
2 thereafter as the matter may be heard, before the Honorable René Lastreto II of the above-entitled
3 Court located at 2500 Tulare Street, Fresno, California 93721, HealthCare Conglomerate
4 Associates, Inc., will and hereby does move the Court pursuant to Federal Rule of Civil
5 Procedure 12(f) and Federal Rule of Bankruptcy Procedure 7012(b) for an order striking portions
6 of the Answer of Tulare Local Healthcare District dba Tulare Regional Medical Center (the
7 “Answer” filed by “TRMC”) that are redundant, immaterial, impertinent, scandalous and raise
8 insufficient affirmative defenses. The Answer fails to allege any factual basis for a number of the
9 affirmative defenses it asserts, and several other “affirmative defenses” raised by TRMC are not,
10 in fact, affirmative defenses at all. Plaintiff therefore respectfully requests an order striking the
11 following portions of the Answer (encompassing affirmative defenses numbered 1, 3-17):

- 12 • Page 7, lines 11-14; and
- 13 • Page 7, line 20 through Page 10, line 17.

14 The Motion is based upon this Motion, the memorandum of points and authorities in
15 support hereof and filed herewith, all papers and pleadings on file in this case and this adversary
16 proceeding, and upon such other evidence and argument as the Court may consider at or before
17 the hearing on this Motion.

18
19 Dated: January 29, 2018

MARC A. LEVINSON
CYNTHIA J. LARSEN
ORRICK, HERRINGTON & SUTCLIFFE LLP

HAGOP T. BEDOYAN
LISA HOLDER
KLEIN, DENATALE, GOLDNER, COOPER,
ROSENLIEB & KIMBALL LLP

24 By /s/ Marc A. Levinson
25 Marc A. Levinson
26 Attorneys for Plaintiff
 HealthCare Conglomerate Associates, LLC

27 OHSUSA 767957223.1